



General Assembly

Substitute Bill No. 6689

January Session, 2003

AN ACT CONCERNING MEDICATION IN SCHOOL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-208a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 Each local and regional board of education shall honor written
4 notice submitted by a licensed practitioner [of the healing arts, as
5 defined in section 20-1,] which places physical restrictions upon any
6 pupil enrolled in the public schools of such board of education. For
7 purposes of this section, licensed practitioner means any person who is
8 licensed to practice under chapter 370, 372, 373 or 375 or section 20-
9 94a.

10 Sec. 2. Section 10-212a of the general statutes is repealed and the
11 following is substituted in lieu thereof (*Effective October 1, 2003*):

12 (a) A school nurse or, in the absence of such nurse, any other nurse
13 licensed pursuant to the provisions of chapter 378, including a nurse
14 employed by, or providing services under the direction of a local or
15 regional board of education at, a school-based health clinic, who shall
16 administer medical preparations only to students enrolled in such
17 school-based health clinic in the absence of a school nurse, the
18 principal, any teacher, licensed physical or occupational therapist
19 employed by a school district, or coach of intramural and

20 interscholastic athletics of a school may administer medicinal
21 preparations, including such controlled drugs as the Commissioner of
22 Public Health may, by regulation, designate, to any student at such
23 school pursuant to the written order of a physician licensed to practice
24 medicine or a dentist licensed to practice dental medicine in this or
25 another state, or an advanced practice registered nurse licensed to
26 prescribe in accordance with section 20-94a, or a physician assistant
27 licensed to prescribe in accordance with section 20-12d, and the written
28 authorization of a parent or guardian of such child. The administration
29 of medicinal preparations by a nurse licensed pursuant to the
30 provisions of chapter 378, a principal, teacher, licensed physical or
31 occupational therapist employed by a school district, or coach shall be
32 under the general supervision of a school nurse. No such school nurse
33 or other nurse, principal, teacher, licensed physical or occupational
34 therapist employed by a school district, or coach shall be liable to such
35 student or a parent or guardian of such student for civil damages for
36 any personal injuries which result from acts or omissions of such
37 school nurse or other nurse, principal, teacher, licensed physical or
38 occupational therapist employed by a school district, or coach in
39 administering such preparations which may constitute ordinary
40 negligence. This immunity shall not apply to acts or omissions
41 constituting gross, wilful or wanton negligence.

42 (b) Each school wherein any controlled drug is administered under
43 the provisions of this section shall keep such records thereof as are
44 required of hospitals under the provisions of subsections (f) and (h) of
45 section 21a-254 and shall store such drug in such manner as the
46 Commissioner of Public Health shall, by regulation, require.

47 (c) The Commissioner of [Public Health] Education, in consultation
48 with the Commissioner of Public Health, may adopt regulations, in
49 accordance with the provisions of chapter 54, that specify conditions
50 under which a coach of intramural and interscholastic athletics may
51 administer medicinal preparations, including controlled drugs
52 specified in the regulations adopted by the [commissioner]
53 Commissioner of Public Health, to a child participating in such

54 intramural and interscholastic athletics. The regulations shall require
55 authorization pursuant to: (1) The written order of a physician licensed
56 to practice medicine or a dentist licensed to practice dental medicine in
57 this or another state, an advanced practice registered nurse licensed
58 under chapter 378, a physician assistant licensed under chapter 370, a
59 podiatrist licensed under chapter 375 or an optometrist licensed under
60 chapter 380; and (2) the written authorization of a parent or guardian
61 of such child.

62 (d) A school nurse supervisor and a school medical advisor may
63 jointly preapprove a plan that shall include training for an identified
64 school paraprofessional to administer medication in a premeasured
65 injection device to a specific student with a medically diagnosed
66 allergic condition which may require prompt treatment in order to
67 protect the student against serious harm or death.

68 Sec. 3. Subsection (a) of section 10-220a of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective July*
70 *1, 2003*):

71 (a) Each local or regional board of education shall provide an in-
72 service training program for its teachers, administrators and pupil
73 personnel who hold the initial educator, provisional educator or
74 professional educator certificate. Such program shall provide such
75 teachers, administrators and pupil personnel with information on (1)
76 the nature and the relationship of drugs, as defined in subdivision (17)
77 of section 21a-240, and alcohol to health and personality development,
78 and procedures for discouraging their abuse, (2) health and mental
79 health risk reduction education which includes, but need not be
80 limited to, the prevention of risk-taking behavior by children and the
81 relationship of such behavior to substance abuse, pregnancy, sexually
82 transmitted diseases, including HIV-infection and AIDS, as defined in
83 section 19a-581, violence, child abuse and youth suicide, (3) the growth
84 and development of exceptional children, including handicapped and
85 gifted and talented children and children who may require special
86 education, including, but not limited to, children with attention-deficit

87 hyperactivity disorder or learning disabilities, and methods for
88 identifying, planning for and working effectively with special needs
89 children in a regular classroom, (4) school violence prevention and
90 conflict resolution, (5) cardiopulmonary resuscitation and other
91 emergency life saving procedures, (6) computer and other information
92 technology as applied to student learning and classroom instruction,
93 communications and data management, and (7) the teaching of the
94 language arts, reading and reading readiness for teachers in grades
95 kindergarten to three, inclusive. The State Board of Education, within
96 available appropriations and utilizing available materials, shall assist
97 and encourage local and regional boards of education to include: (A)
98 Holocaust education and awareness; (B) the historical events
99 surrounding the Great Famine in Ireland; (C) African-American
100 history; (D) Puerto Rican history; (E) Native American history; (F)
101 personal financial management; and (G) topics approved by the state
102 board upon the request of local or regional boards of education as part
103 of in-service training programs pursuant to this subsection.

104 Sec. 4. (NEW) (*Effective July 1, 2003*) (a) No local or regional board of
105 education may prohibit blood glucose self-testing by children with
106 diabetes who have a written order from a physician stating the need
107 and the capability of such child to conduct self-testing.

108 (b) The Commissioner of Education, in consultation with the
109 Commissioner of Public Health, shall adopt regulations, in accordance
110 with chapter 54 of the general statutes, describing policies and
111 practices with respect to blood glucose self-testing by children
112 pursuant to subsection (a) of this section.

113 Sec. 5. Section 10-212b of the general statutes is repealed and the
114 following is substituted in lieu thereof (*Effective July 1, 2003*):

115 (a) For purposes of this section, (1) "psychotropic drugs" means
116 prescription medications for behavioral or social-emotional concerns,
117 such as attentional deficits, impulsivity, anxiety, depression and
118 thought disorders, and includes, but is not limited to, stimulant

119 medication and antidepressants, and (2) "school health or mental
 120 health personnel" means school nurses or nurse practitioners
 121 appointed pursuant to section 10-212, school medical advisors
 122 appointed pursuant to section 10-205, school psychologists, school
 123 social workers, school counselors and such other school personnel who
 124 have been identified as the person responsible for communication with
 125 a parent or guardian about a child's need for medical evaluation
 126 pursuant to a policy adopted by a local or regional board of education
 127 as required by subsection (b) of this section.

128 (b) Each local and regional board of education shall adopt and
 129 implement policies prohibiting any school personnel from
 130 recommending the use of psychotropic drugs for any child. Such
 131 policies shall set forth procedures (1) for communication between
 132 school health or mental health personnel and other school personnel
 133 about a child who may require a recommendation for a medical
 134 evaluation, (2) establishing the method in which school health or
 135 mental health personnel communicate a recommendation to a parent
 136 or guardian that such child be evaluated by an appropriate medical
 137 practitioner, and (3) for obtaining proper consent from a parent or
 138 guardian of a child for the school health or mental health personnel to
 139 communicate about such child with a medical practitioner outside the
 140 school who is not a school employee. The provisions of this section
 141 shall not prohibit (A) school [medical staff] health or mental health
 142 personnel from recommending that a child be evaluated by an
 143 appropriate medical practitioner, [or prohibit] (B) school personnel
 144 from consulting with such practitioner with the consent of the parents
 145 or guardian of such child, (C) the planning and placement team from
 146 recommending a medical evaluation as part of an initial evaluation or
 147 reevaluation, as needed to determine a child's (i) eligibility for special
 148 education and related services, or (ii) educational needs for an
 149 individualized education program.

This act shall take effect as follows:	
Section 1	July 1, 2003

Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>

PH *Joint Favorable Subst.*